

EXHIBIT 13



Deposition of:
Confidential OAE0 Sara Sharp

June 25, 2020

In the Matter of:
**In Re: Capital One Consumer Data
Security Breach L**

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1 ever been impacted in a data breach unrelated to
2 Capital One?

3 A. Not that I'm aware of, no.

4 Q. Just to be clear, other than Capital One,
5 you've never received any kind of notice that your
6 information --

7 (Technical interruption. Court reporter
8 clarification.)

9 A. I didn't hear the end of that question. I'm
10 sorry.

11 Q. (BY MR. HASKINS) Yeah, I'll repeat it.

12 Just so the record is clear, Ms. Sharp, you've
13 never received any notification that your information
14 may have been impacted in a data breach other than the
15 Capital One data breach?

16 A. I do recall an instance with the Veterans
17 Affairs office, but I'm not sure the details exactly. I
18 have a vague memory of that, yeah.

19 Q. And so you mentioned in your amended response
20 to Interrogatory No. 4 that your information may have
21 been stolen from a Veterans Affairs health care
22 provider's briefcase --

23 A. Okay.

24 Q. -- in 2015?

25 A. Yes.

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1 Q. Okay. How did you learn about the theft of
2 the briefcase?

3 A. The counselor told me.

4 Q. Counselor being who?

5 A. Julia Sule's assistant who was in training at
6 the time had made a re -- excuse me, I got a pop-up
7 window. I'm just trying to remove it -- had told me at
8 the time she was interested in creating her doctoral
9 thesis based on my history and asked if that would be
10 okay. And she went to her supervisor and they talked to
11 me and I said it was. So she, as a student, had taken
12 her work briefcase -- I assumed that it was her work
13 briefcase -- with redacted information regarding her
14 thesis, in which I don't recall that my name was
15 mentioned because it wasn't the type of report that
16 required a person's name or information to be included,
17 and that someone had broke into her vehicle and that the
18 briefcase then was missing.

19 Q. Okay. So let me back up here. Who is Julia
20 Sule?

21 A. She is an MST counselor through the Veterans
22 Affairs in Seattle, Washington.

23 Q. What is MST?

24 A. [REDACTED]

25 Q. And so that's the reference to a health care

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1 provider in the interrogatory response?

2 A. I believe it is, yes.

3 Q. And someone that was working with Ms. Sule had
4 some information about you in connection with -- was it
5 a doctoral thesis that she was working on?

6 A. That's correct.

7 Q. And it's your understanding that the briefcase
8 that included that information was stolen?

9 A. Yes.

10 Q. And do you know what personal information
11 related to you was included in the materials that was
12 stolen from Ms. Sule's assistant?

13 A. I'm not 100 percent certain, but I believe it
14 was limited to possibly my name, not necessarily my
15 address because we didn't discuss that during our
16 session, and it might have included my age but not my
17 date of birth. That wasn't important. And it might
18 have included periods of time and service and locations.
19 But most of the information, I was assured, had been
20 redacted from the files she was using.

21 Q. And did you ever receive any type of
22 notification from the Veterans Affairs office? Or was
23 the communication that you had from Ms. Sule's office
24 the only information you have about this stolen
25 briefcase that may have contained some of your

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1 Q. Did you change any of the passwords in any of
2 your financial accounts?

3 A. All of them.

4 Q. When did you do that?

5 A. After the first fraudulent activity was on my
6 account.

7 Q. Back in October?

8 A. Correct.

9 Q. Did you place a security freeze on any of your
10 credit files?

11 A. Could you define "credit file."

12 Q. The information maintained by -- well, one of
13 the federally chartered credit reporting agencies.

14 A. No, I did not do that.

15 Q. Did you place any type of security freeze on
16 your credit?

17 A. I got a new debit card issued immediately, and
18 I reset my passwords. I think, to the best of my
19 memory, that's what I did.

20 Q. Did you request a fraud alert be placed on any
21 of your credit files?

22 A. Not that I recall.

23 Q. Can you think of any other steps, other than
24 changing your passwords and getting a new debit card,
25 that you took to protect your financial information

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1 after learning of the Capital One data breach?

2 A. Well, I -- I became -- I'm going to -- and I
3 don't know if -- the right way to say this, so I'll just
4 say it. I was very hesitant to use my card. I was
5 hesitant to shop using any of my credit cards. I was
6 hesitant to use my debit card places. I tried to carry
7 cash to make my purchases in cash. I just felt very
8 violated. I didn't understand using my base income,
9 which is a set fixed income, if something should occur
10 on a credit card like a fraudulent charge, I didn't know
11 where I was going to get the money to pay for that
12 charge. So it really made -- made me aware of what was
13 going on, you know, what did I know that I could do, and
14 that was use cash and not make online purchases.

15 Q. Is there anything else that you did to protect
16 your identity after the Capital One data breach?

17 A. Not that I can recall, no.

18 Q. Okay. So it's my understanding -- and we've
19 made a couple of references to some fraudulent activity
20 that occurred in your accounts in the
21 September/October 2019 time frame, but based upon your
22 interrogatory response to Interrogatory No. 4, you
23 stated that in or around September of 2019, someone

24

25 A. Yes.

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1 that's not necessarily true.

2 Okay. But other than the information you've
3 provided, it sounds like you don't really have any

4 [REDACTED]

5 A. No, I don't.

6 Q. Okay. Your interrogatory response No. 4 also
7 stated that there was an unauthorized charge made on

8 [REDACTED]

9 A. Correct.

10 Q. Okay. Can you tell me what happened there?

11 A. I received my statement and I was checking the
12 transactions. That's when I discovered that there had
13 been a -- I believe it was a \$100 purchase, and I knew
14 that wasn't me because of -- the location was Texas, I
15 believe, if I recall. I'm not looking at documents
16 right now, so I don't exactly recall.

17 But I immediately contacted my bank. And at
18 that time the bank was still AnchorBank. It was bought
19 out by the -- the current name, you know, shortly
20 thereafter. And I filed a -- I don't know the name of
21 the document, but I filed a document asking "Would you
22 find out who made this charge, it wasn't me, and I'm
23 challenging this debit to my account."

24 And again, living on a fixed income, it's very
25 important to me that any amount that comes out of my

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1 same purse being sold under the guise of being Louis
2 Vuitton for \$40, that as a result has lowered my image
3 of the Louis Vuitton brand.

4 When people see my PII on the Internet being
5 sold, shared, stored, et cetera, without authorization
6 and they are selling it to their benefit, then that's
7 been degraded. So that compensation for the loss in my
8 value is like I have just been degraded and now anybody
9 who's able to reach out and use that information may use
10 that without my permission and I have no control
11 whatsoever on that.

12 Q. Are you aware of any evidence of your
13 information that was stolen from Capital One being sold
14 on the dark web?

15 A. I don't have any documents that show that. I
16 don't know how to access the dark web, but it is a
17 probability.

18 Q. Have you ever sold your personal information?

19 A. No, I have not.

20 Q. Have you ever tried to sell it?

21 A. No, I have not.

22 Q. Okay. Would you try to sell it?

23 A. No.

24 Q. What personal information have you -- do you
25 think is less valuable as a result of the Capital One